

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KITRICH A. POWELL,

Petitioner,

v.

WILLIAM GITTERE, *et al.*,

Respondents.

Case No. 2:06-cv-01264-KJD-DJA

**ORDER GRANTING
MOTION FOR EXTENSION OF TIME
(ECF NO. 101)**

This capital habeas corpus case was stayed on January 15, 2008 (ECF No. 50), pending exhaustion of claims in state court, and the stay was lifted on August 24, 2020 (ECF No. 100), after the state-court proceedings were completed. The petitioner, Kitrich A. Powell, represented by appointed counsel (the Federal Public Defender for the District of Nevada), was then due to file a second amended petition for writ of habeas corpus by October 23, 2020. See Order entered August 24, 2020 (ECF No. 100) (60 days to file second amended petition).

On October 22, 2020, Powell filed a motion for extension of time (ECF No. 101), requesting a 122-day extension of time, to February 22, 2021, to file his second amended petition. Powell's counsel states that the 122-day extension of time is necessary because of her obligations in other cases, because she has leave scheduled during the holiday season, because she believes it is necessary to have Powell's mental health assessed, and because that assessment, as well as in-person attorney-client visitation, has been delayed by restrictions resulting from the ongoing COVID-19 pandemic. See Motion for Extension of Time (ECF No. 101). Respondents do not oppose the motion for extension of time.

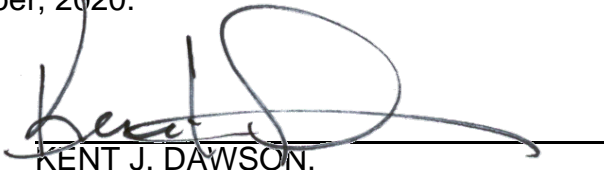
1 The Court finds that the motion for extension of time is made in good faith and
2 not solely for the purpose of delay, and that there is good cause for the extension of
3 time requested. The Court will grant that extension of time.

4 The Court will not, however, look favorably upon any motion to further extend this
5 deadline. It has been 29 years since Powell was convicted of murder and sentenced to
6 death, and he claims to be factually innocent. Powell's counsel does not explain why
7 preparation of the second amended petition should require a great deal of time.
8 Presumably, by now, all Powell's claims have been articulated in other pleadings in
9 either federal or state court and have been exhausted in state court. Powell's counsel
10 does not explain why she must meet with Powell in person before filing the second
11 amended petition. Moreover, Powell's counsel does not explain why the contemplated
12 assessment of Powell's mental health must be completed before the second amended
13 petition can be filed. The Court expects that Powell's second amended petition will be
14 filed by the deadline set in this order.

15 **IT IS THEREFORE ORDERED** that Petitioner's Motion for Extension of Time
16 (ECF No. 101) is **GRANTED**. Petitioner will have until and including February 22, 2021,
17 to file his second amended petition for writ of habeas corpus.

18 **IT IS FURTHER ORDERED** that, in all other respects, the schedule for further
19 proceedings set forth in the Order entered August 24, 2020 (ECF No. 100) will remain in
20 effect.

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22 DATED THIS 23rd day of October, 2020.

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25 KENT J. DAWSON,
26 UNITED STATES DISTRICT JUDGE
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